

05.12.2023

Ct. no.654

Sl. No.28

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 19440 of 2007

Sri Madhab Dhara & ors.
Vs.
State of West Bengal & ors.

Mr. Tapas Kumar Sil
... for the petitioners

Mr. Ayan Banerjee
... for the State

Affidavit-in-reply filed on behalf of the petitioners is taken on record.

This writ petition has been filed by the petitioners under Article 226 of the Constitution of India for execution of title deeds in favour of the petitioners in respect of R.S. plot Nos.623/1029, 440/1019, 440/1018, 440/1017, 440/1021, 78/394, 78/397, 78/377, 78/378, 76, 78 and 78/376 appertaining to R.S. Khatian Nos.353 and 357 corresponding to L.R. Plot Nos.1307, 1292, 1289, 1288, 182/486, 182/484, 166, 165, 143, 146, 144, 164, 147, 148, 149, 167 and 1608/2569 appertaining to L.R. Khatian No.1213 at Mouza Kismat Sukhani, P.S. Rajganj in the District of Jalpaiguri.

Mr. Tapas Kumar Sil, learned Advocate for the petitioners submits that though some of the petitioners were allotted part of homestead and agricultural land but not entirely as per their rightful entitlement nor title is conferred to the petitioners in respect of the entire portion. He also submits that the matter be referred to respondent no.2 being District Rehabilitation Officer, Jalpaiguri for consideration of the prayer (b) of the writ petition.

Mr. Ayan Banerjee, learned Advocate for the State-respondents concurs with the submissions advanced on behalf of the petitioners.

In view of submissions advanced as above, the respondent no.2 being the District Rehabilitation Officer, Jalpaiguri, Refugee, Relief and Rehabilitation Department, Jalpaiguri is directed to consider and decide prayer (b) of the writ petition treating the writ petition as the representation of the petitioners and dispose of the said prayer in accordance with law within three months from the date of communication of this order upon giving opportunity of hearing to the petitioners as well as all concerned.

The result of such disposal be communicated to the petitioners within one week thereafter.

It is made clear that this Court has not gone into merits of the writ petition. All points touching the merits of the writ petition are kept open.

With the aforesaid observations, the writ petition being **W.P.A.19440 of 2007** stands disposed of.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)